



PROPOSED RULE MAKING
(RCW 34.05.320)

CR-102 (7/22/01)
Do NOT use for expedited
rule making

Agency: State Board of Health	<input checked="" type="checkbox"/> Original Notice
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 01-08-088 ; or	<input type="checkbox"/> Supplemental Notice
<input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or	to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

(a) Title of rule: (Describe Subject) **WAC 246-100 Offering HIV Testing to Pregnant Women**

Purpose: **Existing rules regarding HIV counseling and testing in pregnant women were adopted in 1988. Since that time, therapies and medical practices have been identified that prevent most cases of perinatal HIV transmission. Changes are necessary to assure these rules are consistent with current medical science, public health practice, federal recommendations, and community needs. Updating the standards will facilitate HIV testing where there is a medical need and better focus**

Other identifying information:

(b) Statutory authority for adoption: RCW 70.24.380	Statute being implemented: RCW 70.24.095
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(c) Summary:

This rule establishes specific HIV counseling and testing requirements for pregnant women, contains provisions to obtain consent for testing, and ensures counseling for those to have behavioral risk factors.

Reasons supporting proposal: **The rule change is necessary to assure rules are consistent with current medical science, public health practice, federal recommendations, and community needs, and the maximum number of perinatal HIV cases are prevented.**

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... John F. Peppert	POB 47840, Olympia, WA 98504-7840	360-236-3427
2. Implementation.... John F. Peppert	POB 47840, Olympia, WA 98504-7840	360-236-3427
3. Enforcement..... Jack Jourden	POB 47844, Olympia, WA 98504-7844	230-236-3466

(e) Name of proponent (person or organization): **Washington State Department of Health**

☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Citation:
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION: DOH Public Health Laboratories, 1610 NE 150th Shoreline, WA 98155-9701	Submit written comments to: John Peppert, PO Box 47840, Olympia, WA 98504-7840
	FAX (360) 236-3400 By (date) April 22, 2002
	DATE OF INTENDED ADOPTION: May 8, 2002

Assistance for persons with disabilities: Contact **WA State Board of Health** by **May1, 2002**

TDD (800) **833-6388** or (360) **236-4100**

NAME (TYPE OR PRINT) Don R. Sloma		CODE REVISER USE ONLY
SIGNATURE		
TITLE Executive Director	DATE	

(j) Short explanation of rule, its purpose, and anticipated effects:

This rule requires the principal health care provider to assess a pregnant woman's risk of HIV, recommend HIV testing for all as part of the routine battery of other tests, obtain consent for HIV testing, provide information about HIV, and counsel those assessed to be at risk of disease.

This rule change will remove barriers to implementation of national recommendations for HIV counseling and testing in pregnant women, increase the number of tests performed, increase the number of pregnant women receiving a test for HIV, reduce unnecessary behavior change counseling, and through the administration of antiretroviral medications minimize the number of infants born with HIV disease.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

This rule establishes specific HIV counseling and testing requirements for pregnant women.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by writing to:

Telephoning: ()

Faxing: ()

☒ No. Explain why no statement was prepared

See attached

(l) Does RCW 34.05.328 apply to this rule adoption? ☒ Yes ☐ No

Please explain:

Under the provisions of sections .080 and .084 RCW 70.24, violation of any lawful rule adopted by the Board may subject the person to criminal or monetary penalties.